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9                   UNITED STATES DISTRICT COURT  
10                   WESTERN DISTRICT OF WASHINGTON  
11                   AT TACOMA

12 STEVEN LEE SCHAFER,

13                   Plaintiff,

14                   v.

15 GERALD HORNE AND TERRY LANE IN  
16 THEIR OFFICIAL CAPACITIES,

17                   Defendants.

CASE NO. C09-5247RBL/JRC  
ORDER DENYING PLAINTIFF'S  
MOTION TO COMPEL

18 This case has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§  
19 636(b) (1) (A) and 636(b) (1) (B) and Local Magistrate Judge's Rules MJR 1, MJR 3, and MJR  
20 4. The matter is before the court on plaintiff's Motion to Compel Discovery (Dkt. # 5). Plaintiff  
21 does not provide the court with a copy of any discovery request he has made. Nor does he set  
22 forth his discovery requests in a submission to the court as required by Local Rule 37 (b) (ii).  
23 Instead he merely states he has requested "documents" three times and has not received them  
24 (Dkt. # 5).

25 This case is an attempt by plaintiff to stay or prevent an ongoing state criminal  
26 prosecution. A Report and Recommendation to dismiss the action prior to service is pending

1 (Dkt. # 5). Plaintiff has submitted three separate proposed orders with his Motion to Compel  
2 (Dkt. # 5). Each of the proposed orders asks the court to stay a current state criminal  
3 prosecution. None of the proposed orders set forth any information regarding a discovery  
4 dispute.

5 The Motion to Compel does not comport with the pleading requirements of this court.  
6 Further, the motion deals with discovery in a state criminal case and is not properly before this  
7 court. The motion is DENIED.

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9 DATED this 3<sup>rd</sup> day of June, 2009.  
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12 J. Richard Creatura  
13 United States Magistrate Judge  
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